

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW BREDDER

Plaintiff,

**ANSWER TO THE
COMPLAINT**
22 Civ. 4293 (VSB)

-against-

THE CITY OF NEW YORK, NYPD CAPTAIN JULIO DELGADO,
NYPD OFFICER JUSTIN SCHIVEK, AND NYPD MEMBERS
JOHN AND JANE DOES 1-6

Defendants.

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Defendants City, Delgado, and Schivek, by their attorney, the Hon. Sylvia O. Hinds-Radix,
Corporation Counsel of the City of New York, for their answer to the Complaint, respectfully
allege, upon information and belief, as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “1” of the Complaint.
2. Deny the allegations set forth in paragraph “2” of the Complaint.
3. Deny the allegations set forth in paragraph “3” of the Complaint, except admit that plaintiffs purport to proceed as stated therein and that defendant Delgado was employed by the City of New York as a member of the NYPD.
4. Deny the allegations set forth in paragraph “4” of the Complaint, except admit that plaintiffs purport to proceed as stated therein and admit that defendant Schivek was employed by the City of New York as a member of the NYPD.
5. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “5” of the Complaint, except admit that plaintiffs purport to

proceed as stated therein and admit that defendant Monahan was the Chief of Department of the NYPD.

6. Deny the allegations set forth in paragraph “6” of the Complaint.
7. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “7” of the Complaint.
8. Deny the allegations set forth in paragraph “8” of the Complaint.
9. Deny the allegations set forth in paragraph “9” of the Complaint.
10. Deny the allegations set forth in paragraph “10” of the Complaint.
11. Deny the allegations set forth in paragraph “11” of the Complaint.
12. Deny the allegations set forth in paragraph “12” of the Complaint.
13. Deny the allegations set forth in paragraph “13” of the Complaint.
14. Deny the allegations set forth in paragraph “14” of the Complaint.
15. Deny the allegations set forth in paragraph “15” of the Complaint.
16. Deny the allegations set forth in paragraph “16” of the Complaint.
17. Deny the allegations set forth in paragraph “17” of the Complaint.
18. Deny the allegations set forth in paragraph “18” of the Complaint.
19. Deny the allegations set forth in paragraph “19” of the Complaint.
20. Deny the allegations set forth in paragraph “20” of the Complaint, except admit that plaintiffs purport to invoke the Court’s jurisdiction as stated therein.
21. Deny the allegations set forth in paragraph “21” of the Complaint, except admit that plaintiffs purport to invoke the Court’s jurisdiction as stated therein.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “22” of the Complaint, except admit that plaintiffs purport to lay venue as stated therein.
23. Deny the allegations set forth in paragraph “23” of the Complaint, except admit that there were protests in Summer 2020 in the City of New York.
24. Deny the allegations set forth in paragraph “24” of the Complaint.
25. Deny the allegations set forth in paragraph “25” of the Complaint.
26. Deny the allegations set forth in paragraph “26” of the Complaint.
27. Deny the allegations set forth in paragraph “27” of the Complaint.
28. Deny the allegations set forth in paragraph “28” of the Complaint.
29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “29” of the Complaint.
30. Deny the allegations set forth in paragraph “30” of the Complaint, except admit that there was a face mask mandate in the COVID-19 pandemic.
31. Deny the allegations set forth in paragraph “31” of the Complaint.
32. Deny the allegations set forth in paragraph “32” of the Complaint.
33. Deny and respectfully refer the Court to the cited reports for their full content and context.
34. Deny and respectfully refer the Court to the cited reports for their full content and context.
35. Deny and respectfully refer the Court to the cited reports for their full content and context.

36. Deny and respectfully refer the Court to the cited reports for their full content and context.
37. Deny and respectfully refer the Court to the cited reports for their full content and context.
38. Deny and respectfully refer the Court to the cited reports for their full content and context.
39. Deny and respectfully refer the Court to the cited reports for their full content and context.
40. Deny and respectfully refer the Court to the cited reports for their full content and context.
41. Deny and respectfully refer the Court to the cited reports for their full content and context.
42. Deny and respectfully refer the Court to the cited reports for their full content and context.
43. Deny and respectfully refer the Court to the cited reports for their full content and context.
44. Deny and respectfully refer the Court to the cited reports for their full content and context.
45. Deny and respectfully refer the Court to the cited reports for their full content and context.
46. Deny and respectfully refer the Court to the cited reports for their full content and context.

47. Deny and respectfully refer the Court to the cited reports for their full content and context.
48. Deny and respectfully refer the Court to the cited reports and cases for their full content and context.
49. Deny and respectfully refer the Court to the cited reports and cases for their full content and context.
50. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “50” of the Complaint.
51. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “51” of the Complaint.
52. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “52” of the Complaint.
53. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “53” of the Complaint.
54. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “54” of the Complaint.
55. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “55” of the Complaint.
56. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “56” of the Complaint.
57. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “57” of the Complaint.

58. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “58” of the Complaint.
59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “59” of the Complaint.
60. Deny knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “60” of the Complaint.
61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “61” of the Complaint.
62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “62” of the Complaint.
63. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “63” of the Complaint.
64. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “64” of the Complaint.
65. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “65” of the Complaint.
66. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “66” of the Complaint.
67. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “67” and respectfully refer the Court to the cited cases for their full content and context.
68. Deny the allegations set forth in paragraph “68” of the Complaint.
69. Deny the allegations set forth in paragraph “69” of the Complaint.

70. Deny the allegations set forth in paragraph “70 ” of the Complaint.
71. Deny the allegations set forth in paragraph “71 ” of the Complaint.
72. Deny the allegations set forth in paragraph “72” of the Complaint and respectfully refer the Court to the cited report for its full content and context.
73. Deny the allegations set forth in paragraph “73” of the Complaint.
74. Deny the allegations set forth in paragraph “74” of the Complaint, except admit that plaintiff was arrested.
75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “75” of the Complaint.
76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “76” of the Complaint.
77. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “77” of the Complaint.
78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “78” of the Complaint.
79. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “79” of the Complaint.
80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “80” of the Complaint.
81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “81” of the Complaint.
82. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “82” of the Complaint.

83. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “83” of the Complaint.
84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “84” of the Complaint.
85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “85” of the Complaint.
86. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “86” of the Complaint.
87. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “87” of the Complaint.
88. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “88” of the Complaint.
89. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “89” of the Complaint.
90. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “90” of the Complaint.
91. Deny the allegations set forth in paragraph “91” of the Complaint, except admit that on May 25, 2021, plaintiff received a desk appearance ticket.
92. Deny the allegations set forth in paragraph “92” of the Complaint, except admit that the Kings County District Attorney’s Office declined to prosecute plaintiff’s case.
93. Deny the allegations set forth in paragraph “93” of the Complaint.
94. Deny the allegations set forth in paragraph “94” of the Complaint.
95. Deny the allegations set forth in paragraph “95” of the Complaint.

96. Deny the allegations set forth in paragraph “96” of the Complaint and respectfully refer the Court to the cited article for its full content and context.
97. Deny the allegations set forth in paragraph “97” of the Complaint and respectfully refer the Court to the cited article for its full content and context.
98. Deny the allegations set forth in paragraph “98” of the Complaint and respectfully refer the Court to the cited article for its full content and context.
99. Deny the allegations set forth in paragraph “99” of the Complaint and respectfully refer the Court to the cited article for its full content and context.
100. Deny the allegations set forth in paragraph “100” of the Complaint and respectfully refer the Court to the cited article and case for their full content and context.
101. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “101” of the Complaint and respectfully refer the Court to the cited case for its full content and context.
102. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “102” of the Complaint and respectfully refer the Court to the cited case for its full content and context.
103. Deny the allegations set forth in paragraph “103” of the Complaint.
104. Deny the allegations set forth in paragraph “104” of the Complaint.
105. Deny the allegations set forth in paragraph “101” of the Complaint.
106. Deny the allegations set forth in paragraph “106” of the Complaint.
107. Deny the allegations set forth in paragraph “107” of the Complaint.
108. Deny the allegations set forth in paragraph “108” of the Complaint.

109. Deny the allegations set forth in paragraph “109” of the Complaint, and respectfully refer the Court to the cited report for its full content and context.
110. Deny the allegations set forth in paragraph “110” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
111. Deny the allegations set forth in paragraph “111” of the Complaint.
112. Deny the allegations set forth in paragraph “112” of the Complaint.
113. Deny the allegations set forth in paragraph “113” of the Complaint.
114. Deny the allegations set forth in paragraph “114” of the Complaint.
115. Deny the allegations set forth in paragraph “115” of the Complaint.
116. Deny the allegations set forth in paragraph “116” of the Complaint.
117. Deny the allegations set forth in paragraph “117” of the Complaint.
118. Deny the allegations set forth in paragraph “118” of the Complaint.
119. Deny the allegations set forth in paragraph “119” of the Complaint.
120. Deny the allegations set forth in paragraph “120” of the Complaint.
121. Deny the allegations set forth in paragraph “121” of the Complaint.
122. Deny the allegations set forth in paragraph “122” of the Complaint.
123. Deny the allegations set forth in paragraph “123” of the Complaint.
124. Deny the allegations set forth in paragraph “124” of the Complaint.
125. Deny the allegations set forth in paragraph “125” of the Complaint.
126. Deny the allegations set forth in paragraph “126” of the Complaint.
127. Deny the allegations set forth in paragraph “127” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
128. Deny the allegations set forth in paragraph “128” of the Complaint.

129. Deny the allegations set forth in paragraph “129” of the Complaint.
130. Deny the allegations set forth in paragraph “130” of the Complaint.
131. Deny the allegations set forth in paragraph “131” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
132. Deny the allegations set forth in paragraph “132” of the Complaint.
133. Deny the allegations set forth in paragraph “133” of the Complaint.
134. Deny the allegations set forth in paragraph “134” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
135. Deny the allegations set forth in paragraph “135” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
136. Deny the allegations set forth in paragraph “136” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
137. Deny the allegations set forth in paragraph “137” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
138. Deny the allegations set forth in paragraph “138” of the Complaint.
139. Deny the allegations set forth in paragraph “139” of the Complaint.
140. Deny the allegations set forth in paragraph “140” of the Complaint, and respectfully refer the Court to the cited reports and cases for its full content and context.
141. Deny the allegations set forth in paragraph “141.”
142. Deny the allegations set forth in paragraph “142” and respectfully refer the Court to the cited report for its full content and context.
143. Respectfully refer the Court to the cited report for its full content and context.

144. Deny the allegations set forth in paragraph “144” and respectfully refer the Court to the cited report for its full content and context.

145. Deny the allegations set forth in paragraph “145”

146. Deny the allegations set forth in paragraph “146”

147. Deny the allegations set forth in paragraph “147”

148. Deny the allegations set forth in paragraph “148”

149. Deny the allegations set forth in paragraph “149,”

150. Deny the allegations set forth in paragraph “150”

151. Deny the allegations set forth in paragraph “151”.

152. Deny the allegations set forth in paragraph “152”

153. Deny the allegations set forth in paragraph “153” of the Complaint.

154. Deny the allegations set forth in paragraph “154” of the Complaint.

155. Deny the allegations set forth in paragraph “155” of the Complaint.

156. Deny the allegations set forth in paragraph “156” of the Complaint.

157. Deny the allegations set forth in paragraph “157” of the Complaint.

158. Deny the allegations set forth in paragraph “158” of the Complaint.

159. Deny the allegations set forth in paragraph “159” of the Complaint.

160. Deny the allegations set forth in paragraph “160” of the Complaint.

161. Deny the allegations set forth in paragraph “161” of the Complaint.

162. Deny the allegations set forth in paragraph “162” of the Complaint.

163. Deny the allegations set forth in paragraph “163” of the Complaint.

164. Deny the allegations set forth in paragraph “164” of the Complaint.

165. Deny the allegations set forth in paragraph “165” of the Complaint.

166. Deny the allegations set forth in paragraph “166” of the Complaint.
167. Deny the allegations set forth in paragraph “167” of the Complaint.
168. Deny the allegations set forth in paragraph “168” of the Complaint.
169. Deny the allegations set forth in paragraph “169” of the Complaint.
170. Deny the allegations set forth in paragraph “170” of the Complaint.
171. Deny the allegations set forth in paragraph “171” of the Complaint.
172. Deny the allegations set forth in paragraph “172” of the Complaint.
173. Deny the allegations set forth in paragraph “173” of the Complaint.
174. Deny the allegations set forth in paragraph “174” of the Complaint.
175. Deny the allegations set forth in paragraph “175” of the Complaint.
176. Deny the allegations set forth in paragraph “176” of the Complaint.
177. Deny the allegations set forth in paragraph “177” of the Complaint.
178. Deny the allegations set forth in paragraph “178” and respectfully refer the Court
to the cited report for its full content and context.
179. Deny the allegations set forth in paragraph “179” and respectfully refer the Court
to the cited report for its full content and context.
180. Deny the allegations set forth in paragraph “180” and respectfully refer the Court
to the cited report for its full content and context.
181. Deny the allegations set forth in paragraph “181” and respectfully refer the Court
to the cited report for its full content and context.
182. Deny the allegations set forth in paragraph “182” and respectfully refer the Court
to the cited report for its full content and context.

183. Deny the allegations set forth in paragraph “183” and respectfully refer the Court to the cited report for its full content and context.

184. Deny the allegations set forth in paragraph “184” and respectfully refer the Court to the cited report for its full content and context.

185. Deny the allegations set forth in paragraph “185” and respectfully refer the Court to the cited report for its full content and context.

186. Deny the allegations set forth in paragraph “186” and respectfully refer the Court to the cited report for its full content and context.

187. Deny the allegations set forth in paragraph “187” and respectfully refer the Court to the cited report for its full content and context.

188. Deny the allegations set forth in paragraph “188” and respectfully refer the Court to the cited report for its full content and context.

189. Deny the allegations set forth in paragraph “189” and respectfully refer the Court to the cited report for its full content and context.

190. Deny the allegations set forth in paragraph “190” and respectfully refer the Court to the cited report for its full content and context.

191. Deny the allegations set forth in paragraph “191” and respectfully refer the Court to the cited report for its full content and context.

192. In response to the allegations set forth in paragraph “192” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

193. Deny the allegations set forth in paragraph “193”

194. Deny the allegations set forth in paragraph “194” of the Complaint.

195. Deny the allegations set forth in paragraph “195” of the Complaint.

196. Deny the allegations set forth in paragraph “196” of the Complaint.

197. Deny the allegations set forth in paragraph “197” of the Complaint.

198. In response to the allegations set forth in paragraph “198” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

199. Deny the allegations set forth in paragraph “199” of the Complaint.

200. Deny the allegations set forth in paragraph “200” of the Complaint.

201. Deny the allegations set forth in paragraph “201” of the Complaint.

202. In response to the allegations set forth in paragraph “202” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

203. Deny the allegations set forth in paragraph “203” of the Complaint.

204. Deny the allegations set forth in paragraph “204” of the Complaint.

205. Deny the allegations set forth in paragraph “205” of the Complaint.

206. Deny the allegations set forth in paragraph “206” of the Complaint.

207. In response to the allegations set forth in paragraph “207” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

208. Deny the allegations set forth in paragraph “208” of the Complaint.

209. Deny the allegations set forth in paragraph “209” of the Complaint.

210. Deny the allegations set forth in paragraph “210” of the Complaint.

211. Deny the allegations set forth in paragraph “211” of the Complaint.

212. Deny the allegations set forth in paragraph “212” of the Complaint.

213. Deny the allegations set forth in paragraph “213” of the Complaint.

214. Deny the allegations set forth in paragraph “214” of the Complaint.

215. Deny the allegations set forth in paragraph “215” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

216. Deny the allegations set forth in paragraph “216” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

217. Deny the allegations set forth in paragraph “217” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

218. Deny the allegations set forth in paragraph “218” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

219. Deny the allegations set forth in paragraph “219” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

220. Deny the allegations set forth in paragraph “220” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

221. In response to the allegations set forth in paragraph “221” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

222. Deny the allegations set forth in paragraph “222” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

223. Deny the allegations set forth in paragraph “223” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

224. Deny the allegations set forth in paragraph “224” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

225. Deny the allegations set forth in paragraph “225” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

226. Deny the allegations set forth in paragraph “226” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

227. Deny the allegations set forth in paragraph “227” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

228. Deny the allegations set forth in paragraph “228” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

229. Deny the allegations set forth in paragraph “229” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

230. Deny the allegations set forth in paragraph “230” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

231. Deny the allegations set forth in paragraph “231” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

232. In response to the allegations set forth in paragraph “232” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

233. Deny the allegations set forth in paragraph “233” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

234. Deny the allegations set forth in paragraph “234” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

235. Deny the allegations set forth in paragraph “235” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

236. In response to the allegations set forth in paragraph “236” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

237. Deny the allegations set forth in paragraph “237” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

238. Deny the allegations set forth in paragraph “238” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

239. Deny the allegations set forth in paragraph “239” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

240. Deny the allegations set forth in paragraph “240” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

241. Deny the allegations set forth in paragraph “241” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

242. Deny the allegations set forth in paragraph “242” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

243. Deny the allegations set forth in paragraph “243” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

244. In response to the allegations set forth in paragraph “244” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

245. Deny the allegations set forth in paragraph “245” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

246. Deny the allegations set forth in paragraph “246” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

247. Deny the allegations set forth in paragraph “247” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

248. Deny the allegations set forth in paragraph “248” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

249. Deny the allegations set forth in paragraph “249” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

250. Deny the allegations set forth in paragraph “250” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

251. Deny the allegations set forth in paragraph “251” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

252. In response to the allegations set forth in paragraph “252” of the Complaint, defendants repeat and reallege the responses set forth in the proceeding paragraphs of this Answer as if fully set forth herein.

253. Deny the allegations set forth in paragraph “253” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

254. Deny the allegations set forth in paragraph “254” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

255. Deny the allegations set forth in paragraph “255” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

256. Deny the allegations set forth in paragraph “256” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

257. Deny the allegations set forth in paragraph “257” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

258. Deny the allegations set forth in paragraph “258” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

259. Deny the allegations set forth in paragraph “259” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

260. Deny the allegations set forth in paragraph “260” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

261. Deny the allegations set forth in paragraph “261” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

262. Deny the allegations set forth in paragraph “262” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

263. Deny the allegations set forth in paragraph “263” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

264. Deny the allegations set forth in paragraph “264” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

265. Deny the allegations set forth in paragraph “265” of the Complaint in so far as it contains averments of fact; insofar as this paragraph contains conclusion of law, no response is required.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

266. The Complaint fails to state a claim upon which relief can be granted because there was probable cause to arrest Plaintiff.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

267. Any injury alleged to have been sustained resulted from plaintiff’s own culpable, negligent, or intervening conduct, or the intervening conduct of third parties, and was not the proximate result of any act of the defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

268. Defendants have not violated any rights, privileges, or immunities under the Constitution or laws of the United States, the State of New York, or any political subdivision thereof, or any act of Congress providing for the protection of civil rights because there was probable cause to arrest Plaintiff.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

269. Defendants have not violated any rights, privileges or immunities under the Constitution or laws of the United State or the State of New York or any political subdivision thereof, nor have defendants violated any act of Congress providing for the protection of civil rights.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

270. To the extent any force was used, such force was reasonable, justified, and necessary to accomplish official duties and to protect the officers' own physical safety and the safety of others.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

271. Punitive damages cannot be assessed against defendant City.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:

272. Plaintiff provoked any incident on June 4, 2020.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE:

273. Plaintiff may have failed to mitigate their alleged damages.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE:

274. Plaintiffs have failed to state a claim under Monell v. Dep't of Social Services, 436 U.S. 658 (1978).

AS AND FOR A TENTH AFFIRMATIVE DEFENSE:

275. At all times relevant to the acts alleged in the complaint, defendants de acted reasonably in the proper and lawful exercise of their discretion. Therefore, they are entitled to immunity on state law claims.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE:

276. At all times relevant to the acts alleged in the complaint, the duties and functions of the municipal defendant officials entailed the reasonable exercise of proper and lawful discretion. Therefore, defendant City is entitled to governmental immunity from liability under New York common law and are entitled to the defense of qualified immunity.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE:

277. Any claims arising under New York State law may be barred, in whole or in part, by reason of plaintiff's failure to comply with the requirements of the N.Y. GEN. MUN. LAW § 50-(e), (h) and/or (i).

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE:

278. Plaintiffs' claims may be barred, in whole or in part, by their own contributory and comparative negligence and by assumption of risk.

WHEREFORE, defendants respectfully request that the Complaint be dismissed in its entirety, that the court enter judgment for defendants, and that defendants be granted costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 2, 2023

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